## BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

CYNTHIA K. GRIFFITH Claimant	
VS.	/ ) )
THE BOEING COMPANY - WICHITA	) Docket No. 173,430
Respondent AND	
AETNA CASUALTY & SURETY Insurance Carrier	) )
AND	
KANSAS WORKERS COMPENSATION FUND	)

## **ORDER**

Respondent requests a review by the Workers Compensation Appeals Board of a Preliminary Hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes on September 29, 1994, which awarded claimant compensation benefits.

## ISSUES

The Administrative Law Judge in her Preliminary Hearing Order dated September 29, 1994, ordered respondent to pay medical bills of S. K. Couch, D.O. for medical treatment he provided claimant on or before September 17, 1993. The respondent seeks review of this Order contending that the Administrative Law Judge exceeded her authority in ordering the payment of these medical bills which exceed the unauthorized medical allowance of \$350.00.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for the purposes of preliminary hearing, the Appeals Board finds as follows:

The initial issue which has to be addressed in the present case is whether the Appeals Board has jurisdiction to review this preliminary hearing order. Respondent contends that the Administrative Law Judge exceeded her authority in ordering payment of certain medical bills which exceed the unauthorized medical allowance of \$350.00 as provided for in K.S.A. 1992

Supp. 44-510(c). One of the two issues that the Administrative Law Judge has authority to decide pursuant to the preliminary hearing statute, pending the conclusion of a full hearing on the claim, is medical compensation. K.S.A. 44-534a(a)(2). Since the Administrative Law Judge in this case ordered the payment of medical compensation which she had the authority to order, she did not exceed her authority as contended by the respondent.

The Appeals Board does have jurisdiction to review a preliminary hearing order, if one of the specific issues that are enumerated in K.S.A. 44-534a(a)(2) are disputed or if appellant otherwise alleges the Administrative Law Judge exceeded his or her jurisdiction. However, respondent has not raised one of those issues and, therefore, the Appeals Board does not have jurisdiction to review this preliminary hearing order.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that this appeal should be and is hereby dismissed and the Order of Administrative Law Judge Nelsonna Potts Barnes, dated September 29, 1994, remains in full force and effect.

IT IS SO ORD	ERED.
Dated this	_ day of November, 1994.
	DOADD MEMDED
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

cc: Jim L. Lawing, Attorney at Law, 200 E. First, Suite 400, Wichita, KS 67202 Edward D. Heath Jr., Attorney at Law, PO Box 95, Wichita, KS 67201-0095 Vaughn Burkholder, Attorney at Law, 700 Fourth Financial Center, Wichita, KS 67202 Nelsonna Potts Barnes, Administrative Law Judge George Gomez, Director